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May 29, 2015

VIA ECF TO:

The Honorable Brian M. Cogan
United States District Court, Eastern District of New York
225 Cadman Plaza South, 704S
Brooklyn, NY 11201

Re: Huebner v. Midland Credit Management, Case No. 14-cv-6046-BMC

Dear Judge Cogan:

As you know we represent the Plaintiff in this action.

At the Discovery Conference held on May 7, 2015, Your Honor directed that the parties serve all discovery requests by May 24, 2015. Subsequently, On May 22, 2015, Plaintiff requested a modification of the discovery schedule and permission to submit a revised Case Management Plan. That day, Your Honor granted the application in part and directed that all written discovery requests, including document requests and interrogatories, are to be served by 5/29/15.

This week after the Memorial Day weekend and Shavuot the parties began discussions regarding discovery, the second amended complaint, appearance of the newly named defendant and waiver of personal service.¹

Pursuant to discussions in order to streamline service of process, issues and discovery, the parties agreed that the Plaintiff may file a third amended complaint on or before June 5,

¹ On May 7, 2015 at the Discovery Conference when the Court had accelerated the parties deadline to serve discovery demands counsel for Plaintiff was not aware that these deadlines immediately fell on the the holiday weekend.



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2015, Defendants will accept service via ECF, Defendants will file a responsive pleading within 14 days thereafter. Moreover, a stipulation was filed today reflecting the parties' agreement.

Counsels for the parties believe that the filing of the third amended complaint coupled with the Defendants' responsive pleading will be pertinent regarding clarification of the parties' positions i.e. complaints regarding each defendant, specific denials, admissions, affirmative defenses, but would also greatly streamline and clarify discovery issues. At this juncture, the parties are not able to serve appropriate discovery demands and premature service of same would be a waste of resources of the parties and the Court.

Due to the foregoing new developments, Plaintiff is respectfully requesting that Your Honor allow the parties to serve discovery demands on or before June 30, 2015. We have contacted counsel for the Defendants who has consented to this request.

Respectfully,

POLTORAK PC

/ s / Jacob T. Fogel

Jacob T. Fogel
Of Counsel

JF:yh